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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/680,962	10/07/2003	Shlomo Touboul	FIN0006	6073
74877 7590 01/05/2010 King and Spalding LLP 1700 Pennsylvania Ave, NW Suite 200 Washington, DC 20006			EXAMINER ANWARI, MACEEH	
			ART UNIT 2444	PAPER NUMBER
			MAIL DATE 01/05/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/680,962

Applicant(s)

TOUBOUL ET AL.

Examiner

MACEEH ANWARI

Art Unit

2444

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 38-57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 38-57 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/225)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is in response to communications filed on 9/25/2009. **Claim(s) 1-36, 59, 61-67, 69-74, 76, 78-83 and 85-89** have been canceled. No other claims have been amended, added, or canceled. Accordingly, **claim(s) 38-57** are pending.

Response to Arguments

2. Applicant's arguments with respect to **claims 38-57** have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 38-57** are rejected under 35 U.S.C. 102(e) as being anticipated by **Ng** (U.S. Pat. #: 6, 640,301 B1).

Claim 38: A method for tracking the routing of an electronic document, comprising:

embedding a control mark (**Fig. 1 & 3A; digital signature, encryption, PGP**), including a unique identifier and a check sum for authenticating the unique identifier, within a static section of an electronic document, wherein the static section and the control mark remain unchanged when the electronic document is

edited by a document editor (**Fig. 4 & 6; MSG ID'S, CKSUM KEYS, PAD all within email message body**); and

monitoring transmitted network packets, for detection of network packets containing the electronic document, based on the unique identifier, in order to limit access of the electronic document to authorized recipients (**Fig. 7; extracting MSG ID, and Message verification**).

Claim 39: further comprising logging an audit record of the transmission, when a network packet containing the electronic document is detected by said monitoring, wherein the audit record stores information identifying a distribution route of the electronic document (**Fig. 10; Lookup tables and indexing IDs**).

Claim 40: wherein said logging includes logging a date and time of the transmission in the audit record (**Fig. 8A-B; date and time fields**).

Claim 41: wherein said logging includes logging a destination of the transmission in the audit record (**Fig. 8A-B; "To" and "From" fields**).

Claim 42: wherein said monitoring monitors network packets transmitted internally within an organization network (**Fig. 4 & 6-7; outgoing and incoming e-mail messages being monitored**).

Claim 43: wherein said monitoring monitors network packets transmitted from within an organization network to outside of the organization network (**Fig. 4 & 6-7; outgoing e-mail messages via the Internet**).

Claim 44: wherein said monitoring monitors network packets transmitted to an organization network from outside of the organization network (**Fig. 4 & 6-7; in**

coming e-mail messages via the Internet).

Claim 45: wherein the network packets are transmitted in response to an FTP download (Col. 15 lines 9-17; **either E-mail or FTP can be used to send messages**).

Claim 46: wherein the network packets are transmitted in response to an HTTP download (Col. 2 lines 53- 62 and col. 15 lines 9-17; **HTTP**).

Claim 47: wherein the network packets are transmitted in response to an Instant Messenger download (Col. 15 lines 9-17; **other file transfer methods**).

5. Regarding **claims 48-57**, they list substantially the same elements found in **claims 38-47**, but in system form rather than method form, therefore **claims 48-57** are rejected using the same reasons and rationale as applied to **claims 38-47**.

Examiner Note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in its entirety as potentially teaching of all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MACEEH ANWARI whose telephone number is (571)272-7591. The examiner can normally be reached on Monday-Friday 7:30-5:00 PM ES.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

M.A.

/Yemane Mesfin/
Primary Examiner, Art Unit 2444